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August 30, 2013

**Via ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Filing on the CAF Phase I Incremental Support Program, WC Docket No. 10-90**

Dear Ms. Dortch:

On August 28, 2013, Steve Morris and Jennifer McKee (National Cable & Telecommunications Administration), K.C. Halm (Davis Wright Tremaine LLP, Counsel to Charter Communications), Ross Lieberman (American Cable Association) and the undersigned, Thomas Cohen (Kelley Drye & Warren LLP, Counsel to the American Cable Association), had a call with Carol Matthey and Amy Bender of the Wireline Competition Bureau ("Bureau") to discuss the "challenge process" established by the Commission as part of the Connect America Fund ("CAF") Phase I Incremental Support Program for 2013.<sup>1</sup> Mr. Lieberman followed this initial call with additional discussions with Ms. Matthey.

The purpose of the calls was to understand the standard the Bureau would use to determine which census blocks elected by the price cap local exchange carriers in their August 20, 2013 submissions would be included on the Bureau's published list, and the type of evidence interested parties would need to supply to contest the census blocks elected by the price cap carriers and included on the Bureau's list. Specifically, we discussed Windstream's challenge to the status of more than 7,000 census blocks identified as served by a wireline broadband provider on the National Broadband Map. We noted that Windstream's challenges are based solely on an internal analysis of

<sup>1</sup> See *Connect America Fund*, WC Docket No. 10-90, Report and Order, FCC 13-73, ¶¶ 28-33 (rel. May 22, 2013).

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whether it received requests from customers within the census blocks to port a telephone number,<sup>2</sup> and lacked any specific, or direct, evidence that contradicts the status of those areas as served with broadband. We also discussed the type of evidence that may be sufficient to prevail in the challenge process against Windstream's evidence based solely on a porting analysis.

Sincerely,



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Counsel for the American Cable Association

cc: Carol Matthey  
Amy Bender

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<sup>2</sup>

Parties noted that the Commission has determined that porting analysis is merely “potentially relevant” and “not determinative” as to whether broadband is available in a particular census block, and encouraged price cap LECs to provide additional evidence that a census block is not served. *See id.*, n.68.